

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division**

Ronnie C. Hedgepeth, Jr., and Shira
Hedgepeth,

Appellants,

v.

Smoky Mountain Country Club Property
Owners' Association, Inc., and SMCC
Clubhouse, LLC,

Appellees.

Case No. 1:21-cv-00051-MR

**APPELLEES SMOKY MOUNTAIN COUNTRY CLUB PROPERTY OWNERS'
ASSOCIATION, INC. AND SMCC CLUBHOUSE, LLC
MOTION TO DISMISS APPEAL**

Appellees, Smoky Mountain Country Club Property Owners' Association, Inc. ("Debtor") and SMCC Clubhouse, LLC ("SMCC"), hereby move, pursuant to Rule 8013 of the Federal Rules of Bankruptcy Procedure, to dismiss the appeal filed by Appellants, Ronnie C. Hedgepeth, Jr., and Shira Hedgepeth, from the Order Denying the Motion Requesting Relief from Automatic Stay entered by the Bankruptcy Court on December 2, 2020 (Bankr. Docket No. 394) (the "Second Stay Relief Order"), and the Order Denying Motion to Reconsider, entered by the Bankruptcy Court on February 11, 2021 (Bankr. Docket No. 420) (the "Order Denying Motion to Reconsider"). As described in the Memorandum of Law in Support filed contemporaneously herewith, this Court does not have subject matter jurisdiction to hear this appeal, and, accordingly, the appeal should be dismissed.

WHEREFORE, the Debtor and SMCC respectfully request that this Court enter an Order:

- A. Granting the Motion;
- B. Dismissing the appeal; and
- C. Granting the Debtor and SMCC such other and further relief as the Court deems just and proper.

This the 20th day of April, 2021.

RAYBURN COOPER & DURHAM, P.A.

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